



DEPARTMENT OF LAW

OFFICE OF THE CORPORATION COUNSEL

CITY OF SYRACUSE, MAYOR BEN WALSH

April 3, 2018

Kristen E. Smith
Corporation Counsel

Joseph W. Barry III
First Assistant
Corporation Counsel

Christina F. DeJoseph
Senior Assistant
Corporation Counsel

Catherine E. Carnrike
Meghan E. Ryan
Amanda R. Harrington
John C. Black Jr.
Kathryn M. Ryan
Ramona L. Rabeler
Erica T. Clarke
Todd M. Long
Khalid Bashjawish
Janet M. Fall
Lee R. Terry
Sarah A. Lafen
Daniel C. Bollana

Department of Law
Office of Corp. Counsel
233 E. Washington St.
City Hall, Room 300
Syracuse, N.Y. 13202

Office 315 448-8400
Fax 315 448-8381
Email
law@syrgov.net

VIA ELECTRONIC FILING

Honorable Mae A. D'Agostino
James T. Foley U.S. Courthouse
445 Broadway
Albany, NY 12207

Re: Jason Lopez v. Eric Gerace
Civil Action No.: 5:18-cv-00952

Dear Judge D'Agostino:

I am writing to inform the Court that I learned of the above-captioned lawsuit yesterday afternoon. Much to my surprise, I learned from reviewing the docket that the complaint in this case was filed on August 10, 2018 and that the defendant was served with the same on September 17, 2018. I immediately contacted various members of the police department to ascertain whether service was in fact completed and to determine how or why the Summons and Complaint were not forwarded to my office. While I have yet to find out how this gross oversight happened, I wanted the Court to be aware of the same.

I just spoke to Mr. Castle to advise him of the foregoing and that I intend to make a motion to vacate the default in very short order. I did not want more time to pass before informing the Court of my intention to do so and to advise that Defendant's default was not willful. I also wanted to respectfully request that no inquest be scheduled in the meantime. I expect to have a formal motion filed in the next week, but of course I will abide by any deadline imposed by the Court.

I appreciate the Court's time and attention to this matter and apologize for any inconvenience to both the Court and opposing counsel.

Respectfully submitted,

/s/

Christina F. DeJoseph, Esq.
Senior Assistant Corporation Counsel (Federal Bar ID: 514784)

CFD/amm

CC: Michael A. Castle, Esq. (via CM/ECF)